

### REMARKS

Favorable reconsideration is respectfully requested.

The claims are 1-17.

The above amendment is responsive to points set forth in the Final Rejection.

In this regard, claim 1 has been amended to recite that the amount of the surface active agent does not exceed 10 ppm by weight based on the amount of the resinous compound. The phrase of "but sufficiently high to effect substantial decrease of defects in a patterned resist layer..." has been deleted.

This new upper limit of 10 ppm by weight of the surfactant is well supported by the disclosure of the present specification because, on the one hand, the working Examples indicate that 0.001 part by weight of a surfactant was formulated per 100 parts by weight of the resinous ingredients (see [0045]) corresponding to a weight proportion of 10 ppm and, on the other hand, the disclosure of [0033] teaches that the amount of the surfactant should be as small as possible.

This new upper limit of the amount of the surface active agent is responsive to the rejections not only under 35 U.S.C. 112 (written description), but also under 35 U.S.C. 102/103, because the lower limit of the surfactant concentration taught by the cited references is much higher than 10 ppm. Also see the response of June 19, 2003, especially at page 6 and 7, incorporated by reference herein.


For the foregoing reasons, it is apparent that the rejections on prior art are untenable.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact undersigned at the telephone number below.

Respectfully submitted,

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